

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

BROADCAST MUSIC INC,  
a corporation, et al.

Plaintiffs,

v.

FOURTH QUARTER INC d/b/a/  
SKY BAR CAFÉ, PATRICK J. GRIDER  
AND DANIEL GRIDER EACH  
INDIVIDUALLY

Defendants.

Case No. 3:07CV921-MRT

**MOTION TO DISMISS**

COME NOW the Defendants, Fourth Quarter, Inc. d/b/a/ Skybar Café  
(hereinafter referred to as Skybar Café ), Patrick J. Grider, and Daniel Grider, by and  
through their undersigned attorney of record, and move this Honorable Court to dismiss  
and causes of action contained in paragraphs 13, 14, 18, and 19 alleged in Plaintiffs'  
Complaint, and as grounds therefore, states as follows:

1. On or about the 12<sup>th</sup> day of October, 2007, Plaintiff filed its Complaint in  
the United States District Court for the Middle District of Alabama against Skybar Café,  
Patrick J. Grider and Daniel Grider.

2. In said Complaint, Plaintiffs allege a cause of action against Skybar Café,  
Patrick J. Grider and Daniel Grider for twenty claims of copyright infringement.

3. Pursuant to Rule 12(b)(6), Fed. R. Civ. P., Plaintiff's cause of action for  
copyright infringement, is due to be dismissed for failure to state a claim upon which  
relief can be granted.

WHEREFORE, Skybar Café, Patrick J. Grider and Daniel Grider pray that this Honorable Court will dismiss the above said causes of action as set forth in Plaintiffs' complaint.

Respectfully submitted this the 31<sup>st</sup> day of October, 2007.

WHITTELSEY, WHITTELSEY & POOLE, P.C.

/s/ \_\_\_\_\_  
BY: DAVIS B. WHITTELSEY (WHI-067)  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document upon the following individuals, by hand delivering a copy or by placing it in the United State mail, postage prepaid, at their correct addresses this the 5<sup>th</sup> day of October, 2005.

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/s/ \_\_\_\_\_  
DAVIS B. WHITTELSEY